IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2381 OF 2004

M/s. Nath Pulp & Paper Mills
Ltd. and others ... Applicants

versus

Lloyds Finance Ltd. & anr. ... Respondents

...

Mr. Manohar L. Sharma, for the Applicants.

...

CORAM : A.M.KHANWILKAR,J.

1st December 2004

P.C.:

. The only point canvassed before this Court is that the complaint makes no reference to the fact that the plant and machinery was delivered to the Applicants - accused in terms of the lease agreement and if it is so, the complaint cannot proceed on merits. I find no substance in this argument. The fact that the plant and machinery was not delivered to the Applicants - accused as per the lease agreement is a question, which will be relevant at the

trial and cannot be the basis to quash the criminal action already instituted against the Applicants - accused by the Respondent Company on the basis of cheques which were drawn under the lease agreement towards lease rental charges which obviously will be legal dues payable under the lease agreement; and in view of the legal presumption. In the circumstances, no case for interference is made out. Dismissed.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)